IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 187 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 188 OF 2005

Mukund Govind Kulkarni ...Petitioner

Versus

Gajanan Shankar Pakale & Anr ...Respondents

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Mr. I.M. Khairdi, Advocate for Petitioner

Mr. Y.S. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 28TH JUNE, 2005

P. C.:-

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State. Leave to amend. Amendment to be carried out forthwith.

2. The petitioner has prayed for quashing of process issued against him in S.T.C. No. 1736 of 2001 and S.T.C. No. 1445 of 2001 which are pending in the Court of learned J.M.F.C. Karad. In the said case, process has been issued against the petitioner under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of

2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The trial Court shall not proceed with the trial for a period of three weeks from today.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Criminal writ petitions are disposed of.

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